

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

Case No. 06-20465

v.

Honorable Nancy G. Edmunds

LEONARD MOORE (D-6),

Defendant.

**ORDER GRANTING DEFENDANT’S MOTION FOR
LEAVE TO APPEAL IN FORMA PAUPERIS [3024]**

On May 27, 2020, the Court denied Defendant Leonard Moore’s motion for a sentence reduction pursuant to 18 U.S.C. § 3582(c)(2). (Dkt. 3012.) The matter is now before the Court on Defendant’s motion for leave to appeal in forma pauperis. (Dkt. 3024.)

Defendant was previously found qualified for the appointment of counsel under the Criminal Justice Act. Under 28 U.S.C. § 1915(a)(3), however, “[a]n appeal may not be taken in forma pauperis if the trial court certifies in writing that it is not taken in good faith.” The Supreme Court has interpreted “good faith” to mean “not frivolous.” *Coppedege v. United States*, 369 U.S. 438, 445. Whether or not an appeal is taken in good faith must be judged by an objective standard. *Id.*

The Court finds that an appeal from its denial of Defendant’s motion to reduce sentence would not be frivolous. As an appeal can be taken in good faith, under § 1915(a)(3), it may be taken in forma pauperis. Accordingly, Defendant’s motion for leave to appeal in forma pauperis is GRANTED.

SO ORDERED.

s/Nancy G. Edmunds
Nancy G. Edmunds
United States District Judge

Dated: September 24, 2020

I hereby certify that a copy of the foregoing document was served upon counsel of record on September 24, 2020, by electronic and/or ordinary mail.

s/Lisa Bartlett
Case Manager